UNITED NATIONS

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

Distr.
GENERAL

CEDAW/C/SR.272
16 February 1995

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Fourteenth session

SUMMARY RECORD OF THE 272nd MEETING

Held at Headquarters, New York,
on Tuesday, 24 January 1995, at 3 p.m.

Chairperson: Ms. CORTI

CONTENTS

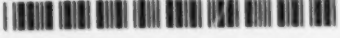
CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Chief, Official Records Editing Section, Office of Conference and Support Services, room DC2-794, 2 United Nations Plaza.

Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

95-80154 (E)



/...

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

1. At the invitation of the Chairperson, Mr. Enestam, Ms. Romanov, Ms. Tuominen, Ms. Mustakallio and Ms. Ketokoski (Finland) took places at the Committee table.

2. Mr. ENESTAM (Finland), speaking as Minister Responsible for Equality of Finland, said that, for the past two decades, the object of Finland's official policy for equality had been to alter the division of power and labour between the sexes, in both family life and public decision-making. It had also sought to equalize women's and men's share of financial and other resources, and to ensure women's economic independence and both women's and men's right to reconcile work and family life. The Nordic concept of equality called for a re-evaluation of the traditional role of men.

3. Efforts to deal with severe recession in the 1990s had had a "gender-divided" impact, for it had boosted the export industry, which was male-dominated, and streamlined the female-dominated public sector. Until that time, unemployment among men had traditionally been higher than it was among women, although even during the recession, male unemployment in the blue-collar sector had been 25 per cent higher than female unemployment. The recession had lowered the standard of living generally, but had not resulted in the feminization of poverty.

4. During the recession, his Government had sponsored courses in entrepreneurship and business management designed specifically for women who had lost their jobs. Women's participation in the Finnish economy was currently equal to that of men; they represented 51 per cent of the economically active population and 32 per cent of entrepreneurs. The proportion of women holding part-time or fixed-term positions, while considerable, remained stable; by contrast, the percentage of men in such positions was increasing. The wage gap between the genders still constituted a major problem. On average, women's wages represented only 80 per cent of what men earned. The gap had begun to widen in the autumn of 1993 following a change in collective bargaining procedures.

5. The level of education of women under 50 years of age was higher than that of men of the same age group. Women constituted the majority in both vocational and professional institutions and universities and women's studies had become an increasingly important topic of academic research. None the less, primary schools still tended to encourage girls and boys to develop different kinds of skills.

6. The elimination of violence against women had become one of the centrepieces of the campaign to promote equality in Finland. The authorities no longer assumed that violence was a problem encountered mainly by the less educated and economically dependent woman. They now understood that the problem was deeply rooted in and encountered at all levels of society. In connection

with its report on the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women, his Government had developed legislation for the prevention of violence, cooperated with various authorities to that end and offered training and other programmes at the national, district and local levels. The Subcommittee on Violence of the Council for Equality played a significant role in coordinating those various initiatives.

7. Finnish women were strongly represented in politics due, in part, to Finland's proportional representation electoral system. Their participation in political decision-making, however, especially with regard to economic policy, remained insufficient. Women had contributed primarily to policy-making on social, health, educational and cultural issues. Early in 1994, his predecessor had become the first serious female contender in the presidential elections and had won 46 per cent of the votes in the final round. Finland was now waiting to see if women would make history in the March 1995 parliamentary elections by winning more than 50 per cent of the seats.

8. Although gender quotas might encounter initial resistance, they helped to safeguard genuine democracy and to ensure women's participation in decision-making. The amended Equality Act established that each sex should have at least 40 per cent representation on national and local government committees. Under the amended Equality Act the authorities were required to promote equality systematically, and employers with more than 30 employees to formulate a plan whereby women and men alike could reconcile work with family life. They were also required to protect women from sexual harassment. The Act prohibited reprisals against victims of discrimination. Alleged victims of wage discrimination could have access to information on the determination of their wages.

9. The Nordic Forum, whose main themes were equality, women's life and work, had been held in Turku in 1994. The Forum, financed by the Nordic Council of Ministers, had been attended by 14,000 women and 1,800 men and focused, in particular, on youth, Saami and immigrant women and disabled women. The event had also brought together Nordic Ministers of Equality, parliamentarians municipal decision makers, and women's organizations at the national, Nordic, and international levels.

10. The CHAIRPERSON invited the representatives of the State Party to reply to the questions which had been compiled by the Pre-session Working Group and to any others which Committee members might raise.

11. Mr. ENESTAM (Finland) said that although the Convention was in the Statute Book of Finland 1994, it was not as yet directly invoked by judges, who had not had in-depth training in human rights issues. He expressed the hope that attorneys, judges and administrative authorities would take it more fully into consideration in future. Its provisions had also been incorporated into national legislation, such as the Equality Act, and were referred to when interpreting national laws.

12. Regarding article 1, he said that a bill, based on a 1993 report on women and national military defence, had just been adopted by the Finnish Parliament. The new law on voluntary military service would enable women to participate as

reservists in the defence forces and to enter the military profession under the same conditions as men. They would be offered the same training as male conscripts, with very few special arrangements, and would enjoy equal legal and social status. Women between the ages of 17 and 29 who were Finnish citizens would be eligible for military service. In time of war, they would be assigned to tasks for which they had been trained; completion of voluntary military service would also entitle them to occupy posts in the defence forces for which military service was a prerequisite. Women were expected to enter the military service in autumn 1995.

13. Ms. ROMANOV (Finland), referring to article 2, said that the amended Equality Act prohibited reprisals against victims of discrimination and provided that any employee who was denied adequate working conditions and conditions of employment as a consequence of having asserted their rights could claim damages from their employer. The new provision was intended as a deterrent measure.

14. Legal remedies in cases of domestic violence were provided for in the Penal Code, not the Equality Act, which was part of civil law. The Penal Code was currently under revision. Measures proposed by the Subcommittee on Violence of the Council for Equality for the protection of victims of violence, particularly women, were being implemented.

15. The amendment to chapter 20, article 1 of the Penal Code, classified rape within marriage as a criminal act. The amendment had entered into force in June 1994. The Finnish Parliament was also about to adopt an amendment to chapter 21, article 14 of the Penal Code, which would have the effect of ensuring that assault and battery, even if committed in a private place such as the home, would always be prosecuted by the public prosecutor. Previously, such assaults were considered private matters and could only be prosecuted if the injured party filed charges.

16. Concerning article 6, she said that the Council for Equality had proposed measures to curtail the sex industry. As a result, the Ministry of Labour had eliminated employment services for sexual work in employment exchange offices and financial support for new enterprises in the sex industry had been cut off. An intermediate report prepared by a committee of the Ministry of Justice had also proposed measures to limit the growth of trafficking in women, to clarify the legal rights of sex workers and to curb the expansion of the sex industry. A proposal had been made to clarify the division of labour between sex workers and waitresses in sex clubs; striptease dancers should not be expected to participate in private shows. The Committee had proposed limiting the number of work permits for foreign striptease dancers in order to prevent Finnish sex club owners and procurers from trafficking in foreign women. That would be one of the main topics of a Nordic conference on prostitution and trafficking in women, to be held in May. No official attempts had been made to monitor sexual tourism and the bride trade.

17. Ms. TUOMINEN (Finland) said that the Council for Equality had sought to ensure women's representation in planning and decision-making processes, and made every effort to place women's issues on the political agenda, to emphasize the importance of gender sensitivity in political life, and to promote gender studies and research on equality issues. Recently, it had stressed power

sharing between men and women, economic equality and measures to combat violence against women. In 1988, the Council had also established a Subcommittee for Men.

18. Despite the large number of women in Parliament they had not, as yet, had a major impact on decision-making. They had, however, been instrumental in improving child-care arrangements and increasing the visibility of women's issues in Parliament. At the Nordic level, the Nordic Council of Ministers was launching a major study on women in Nordic politics, whose focus would be the changes brought about by the expanding role of women in political life.

19. Women had only recently become prominent in national administration. Although when the current Government had taken office in 1991, women accounted for 40 per cent of Cabinet posts, it was not until 1995 that a woman had been appointed to the post of Secretary-General, the senior civil service post in any ministry. The Governor of the Bank of Finland was a woman; several public cultural institutions were led by women; and the first woman university rector had recently been appointed.

20. Ms. ROMANOV (Finland), referring to article 9, said that any alien residing in Finland by virtue of marriage to a Finn was expected, upon divorce, to leave the country if the marriage had lasted less than two years (the same applied to cohabitation). The two-year residence requirement did not apply to anyone who had a child in Finland, was pregnant or still studying, or whose marriage had ended because of the spouse's violent behaviour. Deportation orders could be appealed to the Supreme Administrative Court.

21. Referring to article 10 she said that in the Finnish educational system, legal regulations had been replaced by guidelines, which allowed individual schools the freedom to decide on their curricula and teaching material. In general, the curriculum was expected to build awareness of certain fundamental values, in particular, respect for human dignity and for life, as established in international human rights instruments. Equality between human beings, regardless of sex, race, health or affluence, and the preservation of life on the globe were recommended starting points.

22. The National Board of General Education had formulated a national plan for 1994-1995 on equality and education, which required curricula and teaching materials to promote gender equality. The plan also required authorities to review teaching materials currently in use.

23. Ms. TUOMINEN (Finland) referring to article 11, said that the Finnish labour market was strongly segregated and that wages in female-dominated sectors were lower than in other sectors. Women's wages were also generally lower than those of men even within a given field. That had proved extremely difficult to change, particularly since, prior to 1993, centralized wage settlements packages had been common. It remained difficult, even though collective bargaining now took place at the union level. Male-dominated industrial trade unions represented fields which were considered key sectors in the Finnish economy and therefore had more clout than the female-dominated unions, which operated mainly in the service sector.

24. Job re-evaluation was expected to address the equal pay problem. Several labour market organizations were currently carrying out job re-evaluation projects in accordance with recommendations by the joint committee of labour market partners. Several recent collective bargaining agreements mentioned job re-evaluation as a means of promoting equal pay.

25. According to the latest available census data, occupational segregation had decreased between 1985 and 1990. The Equality Act required employers to promote equality by encouraging equitable recruitment of women and men for various tasks, by giving them equal opportunities for promotion, and by developing working conditions suitable for both sexes. Employers with more than 30 employees were required to formulate an annual action plan to that end.

26. Male dominance situation still prevailed in education and the labour market. A number of pilot projects had been launched to encourage equal opportunities and develop new professional practices to meet women's needs and aspirations. Such projects included in-house training for physics teachers in general education, development of mentoring services in industry, places for women on technical vocational training, and technical courses for girls in general education.

27. With regard to day care, the goal was to ensure a wide range of services. Since 1990, parents of children under three had been able to choose between public day-care services and home care allowances for children. Thanks to the efforts of the women's network in Parliament, the Act extending public day care to children under four would come into force in 1996, one year earlier than the Government originally planned.

28. Under the system of child care leave, either parent could stay at home with their child until it was three and subsequently return to his or her former job. In 1996 the age-limit would be raised to include children aged three. By the end of 1994 there would be enough places in day care for more than 90 per cent of children, the only shortages being in the large cities. An even wider range of day-care alternatives would be offered in the future.

29. The amended Equality Act made explicit reference to sexual harassment. If an employer learned that harassment was taking place and failed to take prompt remedial action, the employee could file for compensation. In the past, such cases had been prosecuted as illegal termination of employment contract, petty or aggravated assault and battery, rape and so forth. Therefore no data was available on the number of court decisions or cases pending.

30. In the past, labour protection had been seen as applying mainly to industrial work and accident prevention. Its application to such areas as the caring professions, service industries and office work was a very recent development. All labour protection districts under the authority of the Ministry of Labour had adopted the goal of monitoring and eliminating work-induced stress. In the caring and nursing professions, where employees were predominantly women, a national ergonomics project had been launched in 1991. Attention to labour protection issues and discussion of health and safety at work had already yielded positive results. In the service and retail sector,

labour protection districts had introduced projects which concentrated on lessening the risk of violence from clients.

31. Ms. MUSTAKALLIO (Finland), responding to the request for information on teenage pregnancies, said that, according to a survey carried out by the National Research and Development Centre for Welfare and Health in 1992, over the past five years, the number of teenage pregnancies and abortions had fallen rapidly, more so even than in the other Nordic countries. The decline was due to increased use of contraceptive pills and condoms.

32. Education in human and sexual relations had been part of the primary school curriculum since 1970, and young people were also given contraceptive advice as part of school health care. In 1991, the Ministry for Social Affairs and Health had started to send all 16-year-olds a sex education magazine, a condom and a letter for their parents. Birth control services and an initial method of contraceptive were provided free of charge. The aim had been to reduce the health risks associated with sexual activity rather than to repress such activity.

33. Regarding the request for further information about the birth rate and the type of contraceptive methods used in Finland, she referred the Committee to Finland's Report on the Implementation of the Nairobi Forward-looking Strategies, which contained all the relevant data.

34. Ms. ROMANOV (Finland), responding to the Committee's request for further information about marital property rights, said that the Finnish Marriage Act rested on the principle of separate ownership. Both spouses were the sole owners of their property, including the property acquired in marriage. At divorce, their property was usually divided into two equal parts. One spouse had a marital right to the other spouse's property, in other words to one half of the property subject to a marital right.

35. A marriage settlement agreement could be concluded to divide the property differently, in which case marital right could not be exercised. In cases where one of the spouses faced an unreasonable situation at divorce, because of the settlement, the settlement could be mitigated.

36. The Marriage Act also required both spouses to contribute to the joint finances of the family to the best of their ability. A claim for maintenance could be filed during the divorce proceedings, the requirement being that one spouse actually needed maintenance and the other was able to pay it. However, the basic principle was that each spouse was responsible for his or her own maintenance after divorce.

37. The provisions regarding mitigation of the marriage settlement were designed to ensure that women did not end up worse off economically than men after divorce. Now that women could work full time outside the home - thanks to the public day-care system - they were more independent economically; the social security system also helped them out. But if social welfare and day-care services were to be weakened, the position of single mothers and women in general was bound to deteriorate.

38. The CHAIRPERSON applauded Finland for making the question of equality an issue of human rights education rather than one of education for equality, thus tying in with the United Nations Decade for human rights education. While congratulating the Nordic countries as a whole on the achievements they had made in advancing the cause of women, she nevertheless noted that true equality was still a long way off, particularly in the workplace.

39. She was concerned at the extent of domestic violence and incest in Finland and said it would be interesting to know more about the root causes of those phenomena. Greater publicity seemed to have made little difference to the prevailing state of affairs, and all the Nordic countries were facing the dilemma of how to combine women's equality and independence in both public and private life.

40. Ms. SCHOPP-SCHILLING said she was impressed by the range of institutional arrangements that Finland had put in place to move towards equality, in particular its quota systems. She also commended the measures taken to deal with rape and the positive amendments to the child- care system.

41. On specific issues, she inquired to what extent Finland's labour laws had been amended to comply with European Union regulations, and whether the Constitution Act had been amended in view of the recommendations of the Council for Equality and the Equality Ombudsman. The Committee would also like to know whether the Equality Ombudsman had offices at the municipal as well as the national level. With regard to the equality plans being implemented by private businesses, more information was required about sanctions taken against enterprises that did not comply with the regulations. She was also curious to know about the amount of compensation that could be awarded as a result of employment discrimination and recommended that the Finnish delegation should study European Union court rulings on the subject.

42. Regarding article 6 of the Convention, the reporting State should indicate whether any special measures were in force to protect prostitutes arriving from the Baltic States and Russia. Concerning article 7, the increase in the numbers of women in Parliament was commendable but there seemed to be few women in senior administrative posts and no machinery for promoting them to such positions. It would be useful to receive further data about quotas and timetables in that respect. Finally, regarding the low level of wages in the public sector which obviously impacted on the mostly female workforce, the Government should be taking the lead and showing its support for gender equality in financial terms.

43. Ms. CARTWRIGHT, while noting with satisfaction the contribution of education policy to cutting the number of unwanted pregnancies and abortions, expressed dismay at hearing that domestic violence had only recently ceased being considered a private matter and that children had not been educated about it. The reporting State should indicate whether it had considered the option of bringing public prosecutions without the cooperation of the victim. It might be beneficial to take a closer look at the areas of therapy and counselling for the victim and appropriate punishment for the offender.

44. With regard to the division of property and the arrangements for paying maintenance when a couple divorced, she observed that since women usually had to attend to the day-to-day care of the children, they often experienced greater financial difficulties than the male partner. The de facto inequality of income between men and women was also a contributing factor. She would appreciate further information on how the problem of such de facto inequality was being addressed in Finland.

45. Ms. BUSTELO GARCIA DEL REAL asked for more information on the obligations of companies with more than 30 workers to implement equal opportunity plans and whether there were specific guidelines for such plans. More data was needed on women in management positions in the private sector. For the next report, she would welcome further information on jobs re-evaluation as a means of achieving equal pay.

46. It was often claimed that equal rights for women would lead to a drop in the birth rate. In Finland, however, the fertility rate appeared to be rising. She asked whether that was, indeed, the case and, if so, what were its possible causes. If the RU 486 abortion pill was used in Finland, any available data on its impact on women's health would be useful.

47. In its next report, the Government should provide any available information on trafficking in women. In addition, since the number of women and men involved in politics was almost equal, results of any studies conducted on the effect of that equality on political life would be most welcome.

48. Ms. MUNOZ-GOMEZ said that she found it encouraging to see the high level of men's commitment to promoting equal rights for women in Finland. The drop in the abortion rate also indicated that legalizing abortion could benefit women's health if it was accompanied by a comprehensive education programme.

49. Ms. KHAN and Ms. SINEGIORGIS said that they were impressed by the way in which Finland was implementing the Convention.

50. Ms. SHALEV said that she had found the approach to reconciling family and work in Finnish society very interesting. She would like to see the legislation on women in the military, and would also welcome information on how women candidates had financed electoral campaigns. Finally, she asked for clarification on the costs of contraceptive services.

51. Ms. JAVATE DE DIOS said that Finland provided an example of what could be achieved if a Government was committed to promoting women's rights. The inclusion of a section in the report on special groups of women, who were often the most vulnerable groups, was very significant, since the Convention must also be applied to a country's most marginal and vulnerable citizens.

52. It was encouraging to see that violence against women was treated as a serious matter, showing that Finland recognized the need for equal rights for women to be achieved on both a public and private level. She asked what kind of public education campaigns had been undertaken on that subject. It would also be interesting to learn the extent of the reaction or backlash to the official Government stand on the equality of the sexes and how the Government was dealing

with it. She wondered how foreign women were informed of their rights, what means were available to them to empower themselves, and whether any measures were taken to offer support to victims of trafficking in women. It would also be interesting to learn how women's studies programmes differed from men's studies.

53. Ms. SATO, noting that most part-time workers were women, wondered whether the Government would attribute that to discrimination. Since women generally worked for fewer years, their pensions were usually lower than those of men. However, women lived longer than men, and she wondered how the economic independence of elderly women was protected.

54. Ms. ESTRADA CASTILLO asked whether more people were filing for divorce now that divorce had been made easier, and whether women were receiving lower amounts of child support. In cases where lawyers were not involved, she wondered how problems relating to child custody were resolved.

55. Ms. AYKOR, noting that women still made up only a small percentage of full professors at the university level, inquired as to the percentage of women in high-level posts in university administration.

56. Mr. ENESTAM (Finland) said that membership of the European Union had yet to have a significant impact on Finnish labour law. Improving government policies would take time. It was unfortunate that the recent period during which a large number of women had been in Parliament had coincided with a serious economic recession; that had prevented the introduction of many reforms, because of lack of funds. It was true that public-sector wages were relatively low; however, during the recent recession, higher wages would have means fewer jobs; in some parts of the private sector it was also true that wages were extremely high.

57. Ms. TUOMINEN (Finland) said that the Council for Equality had played an important part in raising funds for women's election campaigns, and their financing had improved recently. The sources of funding were often different than for male candidates.

58. The Subcommittee on Violence of the Council for Equality, made up of representatives of the various interest groups, had been dealing with the most important aspects of violence against women. Public funding had been provided, but did not affect the group's independence. One example of the work undertaken was a counselling service for the victims of rape and incest. Training courses were also being designed for public authorities and professional groups such as social workers, doctors and school nurses.

59. Questions related to trafficking in women and prostitution had been taken up by a number of committees and working groups. Public awareness of prostitution had recently increased due to the arrival of prostitutes from the Baltic States and Russia, who were very vulnerable, and were often involved in criminal activities. It was felt in Finland that the problem called for a concerted effort to help the victims, rather than new legislation.

60. Regarding the "quality of politics", she said it would take time for any changes to become apparent; for the moment, cross-party cooperation in

Parliament was still difficult. As for the number of women in top private-sector management positions, the figure currently stood at 2.5 per cent.

61. The question of reconciling work and family was considered very important; there was a new project whereby employers were asked to encourage fathers of small children to organize their work in such a way as to take advantage of their right to stay at home.

62. Regarding the existence of courses in women's studies and men's studies, the Committee would not be surprised to hear that women's studies had been going on for a long time; a course in men's studies had recently been created, and was actually applying some of the methodology which had been developed for women's studies.

63. Regarding gender segregation, she said that boys and girls were encouraged to study in whatever fields they felt appropriate to their individual interests. Since most professors in Finland had tenure for life, progress with regard to the number of women university professors would be slow.

64. Mr. ENESTAM (Finland) pointed out that many posts were currently vacant due to shortages of funding which had been caused by the recession; in a few years, many more women would be able to take their places as professors.

65. Ms. ROMANOV (Finland) said that Finnish labour laws had been changing since 1994; the question had been studied in the light of the European Union directives. Some of the planned changes still remained to be implemented, but as a whole, Finnish labour legislation was well in line with the directives.

66. Regarding the question of sanctions in the event that an employer should fail to implement equality measures, she said that such failure to comply would fall under the sanctions laid down in the amended Equality Act, which included definitions of actions which constituted discrimination. The compensation which could be claimed by a victim of discrimination under the amended Equality Act ranged from 15,000 to 50,000 marks; in the most severe cases the maximum amount could be doubled. In addition, the victim could claim damages corresponding to their actual loss.

67. It was widely believed that Finnish divorce procedures had become easier. Custody of children would be decided by the municipal authority only if the parents were unable to reach agreement. Although the Marriage Act had been designed to ensure equal treatment for men and women, in reality, women sometimes found themselves in difficult financial circumstances after a divorce; that eventuality was however covered by the social security system, and if necessary it was also possible to obtain a living allowance from the municipal authority.

68. The amended Equality Act contained no precise guidance as to what the equality plans should contain, but did lay down that they should contain "concrete actions". Since the plans were supposed to be part of the protection provided by the employer, it had been thought that the details should be determined in each place of work.

69. Regarding domestic violence, although the Finnish system provided for perpetrators to be prosecuted even if the victim did not file charges, since assault and battery was a serious offence, the case could not proceed unless the victim was willing to testify.

70. Regarding information for foreign women in Finland, the Ministry of Social Affairs and Health had devised a pamphlet which contained a considerable number of answers to questions regarding matters such as residence permits, divorce, and the status of women. There was also a special Ombudsman for foreigners, and municipal authorities could also provide information to foreigners.

71. Ms. TUOMINEN (Finland), in answer to the Committee's questions about contraception, said that young women were given the opportunity to try out different methods; for instance, they could try contraceptive pills free of charge for a few months. Use of the RU 486 pill was not yet very widespread. One possible reason for the increased birth rate might be the improved day-care provisions and increased child allowances.

72. Ms. KETOKOSKI (Finland), in answer to an earlier question, said that Parliament was currently considering a bill to reform the constitution so as to strengthen the active role of the State in promoting equality.

The meeting rose at 6.10 p.m.